



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

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October 1, 2009

PATTY HALE
18405 AURORA AVE N STE H PMB 106
SHORELINE WA 98133-4412

Subject: Final Order - PDC Case No. 10-001

Dear Ms. Hale:

Enclosed is the Public Disclosure Commission's Final Order that was entered in the above-referenced case. Also enclosed is a copy of the signed "Stipulation as to Facts, Violations and Penalty."

Please note that unless you seek reconsideration of the final order, or exercise your appeal rights as outlined in the order, the \$250 unsuspended portion of the penalty is due within 30 days of the date of this order. The check should be made payable to "WA STATE TREASURER" and should be sent to the Public Disclosure Commission. Thank you for your cooperation.

If you have questions, please contact me at (360) 664-8853 or toll free at 1-877-601-2828 or by e-mail at pstutzman@pdc.wa.gov.

Sincerely,

Philip E. Stutzman
Philip E. Stutzman
Director of Compliance

Enclosure



1
2
3 **BEFORE THE PUBLIC DISCLOSURE COMMISSION**
4 **OF THE STATE OF WASHINGTON**

5 In the Matter of Enforcement Action Against:
6 Patty Hale,
7 Respondent.

PDC CASE NO. 10-001
FINAL ORDER

8
9 This matter came before the Washington State Public Disclosure Commission on
10 September 24, 2009 at the PDC Office, 711 Capitol Way, Room 206, Olympia,
11 Washington. Those present included Jim Clements, Commission Chair; David Seabrook,
12 Vice Chair; Ken Schellberg, Member; and Jane Noland, Member. Also present were PDC
13 Executive Director Vicki Rippie; PDC Director of Compliance Phil Stutzman; Patty Hale,
14 Respondent; and Nancy Krier, General Counsel for the Commission. The proceeding was
15 open to the public and was recorded.
16

17 This matter resulted from a complaint that Respondent, a candidate for the Shoreline
18 City Council, allegedly violated RCW 42.17.130, the statute prohibiting use of public
19 facilities by public employees to assist a candidate's campaign.
20

21 PDC Staff submitted to the Commission a cover memo from Mr. Stutzman dated
22 September 17, 2009; a Notice of Administrative Charges dated September 10, 2009; a
23 Report of Investigation dated September 10, 2009 (with exhibits); and a spreadsheet
24 summarizing penalties assessed in comparable cases. The parties submitted to the
25 Commission a proposed Stipulation as to Facts, Violations and Penalty (Stipulation) dated
26 September 16, 2009.

1 Mr. Stutzman summarized the proposed Stipulation and the staff recommendation to
2 accept the Stipulation. Ms. Hale addressed the Commission. The Commission voted 4-0 to
3 accept the Stipulation.
4

5 I. FINDINGS OF FACT AND CONCLUSIONS OF LAW

6 Based upon the Stipulation, which is hereby attached and incorporated by reference,
7 the Commission finds:

8 1. The Jurisdiction, Facts, Violations, and Penalty are established as provided
9 in the Stipulation.

10 2. The Respondent violated RCW 42.17.130 as provided in the Stipulation.

11 II. ORDER

12 Based upon the findings and conclusions, the Commission orders that:

13 1. The Stipulation is accepted.

14 2. The Respondent is assessed a civil penalty as provided in the Stipulation in a
15 total amount of \$1,000, of which \$750 will be suspended on the condition that the
16 Respondent is not found in violation of RCW 42.17.130, as determined by the full
17 Commission, through December 31, 2013.

18 3. As provided in the Stipulation, the \$250 unsuspended portion shall be paid
19 within 30 days of this Final Order.
20

21 III. APPEALS

22 RECONSIDERATION OF FINAL ORDER - COMMISSION

23 Any party may ask the Commission to reconsider this final order. Parties must
24 place their requests for reconsideration in writing, include the specific grounds or reasons
25 for the request, and deliver the request to the Public Disclosure Commission Office within
26 **TWENTY-ONE (21) BUSINESS DAYS** of the date that the Commission serves this order
upon the party. WAC 390-37-150. Service by the Commission on a party is accomplished

1 on the date of mailing by U.S. mail if the order is mailed, or the date of personal service if
2 personal service is made. RCW 34.05.010(19). The Commission orders are generally
3 mailed via U.S. mail.

4
5 Pursuant to WAC 390-37-150, the Public Disclosure Commission is deemed to have
6 denied the petition for reconsideration if, within twenty (20) business days from the date the
7 petition is filed, the Commission does not either dispose of the petition or serve the parties
8 with written notice specifying the date by which it will act on the petition. Pursuant to
9 RCW 34.05.470(5), the Respondent is not required to ask the Public Disclosure
10 Commission to reconsider the final order before seeking judicial review by a superior court.

11 **FURTHER APPEAL RIGHTS – SUPERIOR COURT**

12
13 Pursuant to RCW 42.17.395(5), a **final order** issued by the Public Disclosure
14 Commission is subject to judicial review under the Administrative Procedures Act, chapter
15 34.05 RCW. The procedures are provided in RCW 34.05.510 - .598. Pursuant to RCW
16 34.05.542(2), a petition for judicial review must be filed with the superior court in Thurston
17 County or the petitioner's county of residence or principal place of business. The petition
18 for judicial review must be served on the Public Disclosure Commission and any other
19 parties within **30 days** of the date that the Public Disclosure Commission serves this final
20 order on the parties. RCW 34.05.542 (4) provides: "Service of the petition on the agency
21 shall be by delivery of a copy of the petition to the office of the director, or other chief
22 administrative officer or chairperson of the agency, at the principal office of the agency.
23 Service of a copy by mail upon the other parties of record and the office of the attorney
24 general shall be deemed complete upon deposit in the United States mail, as evidenced by
25 the postmark."
26

1 If reconsideration is properly sought, the petition for judicial review must be served
2 on the Public Disclosure Commission and any other parties within thirty (30) days after the
3 Commission acts on the petition for reconsideration.

4 **IV. ENFORCEMENT OF FINAL ORDERS**

5 The Commission will seek to enforce this final order in superior court under RCW
6 42.17.395-.397, and recover legal costs and attorney's fees, if the penalty remains unpaid
7 and no petition for judicial review has been filed under chapter 34.05 RCW. This action
8 will be taken without further order by the Commission.

9 The Executive Director is authorized to enter this order on behalf of the
10 Commission.

11 DATED THIS 1st day of October, 2009.

12 FOR THE COMMISSION:

13 Vicki Rippie

14 VICKI RIPPIE, Executive Director

15 *Attachment:* Stipulation as to Facts, Violations and Penalty dated September 16, 2009

16 *Date of mailing:*

17 10/01/09

18 *Copies mailed to:*

19 Patty Hale, Respondent

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4 **BEFORE THE PUBLIC DISCLOSURE COMMISSION**
5 **OF THE STATE OF WASHINGTON**

6 In the Matter of Enforcement Action
7 Against

8 Patty Hale

9 Respondent.

Case No. 10-001

STIPULATION AS TO FACTS,
VIOLATIONS AND PENALTY

10 The parties hereto, the Public Disclosure Commission Staff, by and through its
11 Assistant Director, DOUG ELLIS, and the Respondent, PATTY HALE, submit this
12 Stipulation as to Facts, Violations and Penalty in this matter.

13 **JURISDICTION**

- 14 1. The Public Disclosure Commission has jurisdiction over this proceeding pursuant to
15 Chapter 42.17 RCW, the Public Disclosure Act; Chapter 34.05 RCW, the Administrative
16 Procedure Act; and Title 390 WAC.

17 **FACTS**

- 18 2. Patty Hale is a candidate for Shoreline City Council. She submitted a Candidate
19 Registration (PDC Form C-1) on January 14, 2009. Ms. Hale will appear on the November
20 3, 2009 general election ballot.
- 21 3. **RCW 42.17.130** prohibits elected officials, their employees, and persons appointed to or
22 employed by a public office or agency from using or authorizing the use of public facilities,
23 directly or indirectly, for the purpose of assisting a candidate's campaign or for the
24 promotion of, or opposition to, any ballot proposition. This prohibition does not apply to
25 activities that are part of the normal and regular conduct of the office or agency.
- 26

- 1 4. During the 2008-2009 school year, Ms. Hale was employed as a substitute school teacher
2 for Shoreline School District No. 412. She has worked as a substitute teacher at Shorecrest
3 High School on multiple occasions. Matt Freeborn is a student at Shorecrest High School
4 and attended classes in which Ms. Hale was employed as a substitute teacher.
- 5 5. On December 16, 2008, Ms. Hale worked as a substitute teacher for an Essay
6 Fundamentals class at Shorecrest High School in Shoreline School District No. 412. Matt
7 Freeborn, the complainant, was a student in that class. She addressed the class, telling
8 them that she was thinking of running for Shoreline City Council. She told the class if she
9 did run, she would need volunteer assistance. She told the students they could earn
10 community service hours that would qualify for graduation requirements by working on her
11 campaign. She also circulated a paper and asked students who were interested in
12 volunteering to write their name, address, telephone number, and email address on the
13 paper so she could contact them at a later time. Several students signed the paper and some
14 were contacted at a later time by the 2009 Patty Hale campaign.
- 15 6. On June 16, 2009, Ms. Hale worked as a substitute teacher for a Speech class at Shorecrest
16 High School. Matt Freeborn was a student in that class. She addressed the class, telling
17 them that she was a candidate for Shoreline City Council. She asked the class for student
18 volunteers to assist with her campaign. She told the students they could earn community
19 service hours that would qualify for graduation requirements by working on her campaign.
20 She also circulated a paper and asked students who were interested in volunteering to write
21 their name, address, telephone number, and email address on the paper so she could contact
22 them at a later time. Several students signed the paper and some were contacted at a later
23 time by the 2009 Patty Hale campaign.
- 24 7. Students who provided contact information on December 16, 2008 and June 16, 2009,
25 agreeing to be contacted about volunteer opportunities with the Patty Hale campaign, were
26 first contacted by email on June 22, 2009 and were provided a list of volunteer

opportunities. On July 15, 2009, students were again sent a campaign email asking for help providing Door-to-Door voter contact before the August 18, 2009 Primary election. Two students responded to the first email, and no students responded to the second email. Of the two students who responded to the first email, neither was used by the campaign as a volunteer.

8. Ms. Hale states she was aware that the school district had provided students with volunteer opportunities to work on political campaigns in the past, and was told by Shorecrest High School staff that the hours volunteered working on a political campaign counted toward a student's community service graduation requirement.

9. Ms. Hale states that in her experiences as a substitute teacher at Shorecrest High School, teachers regularly provide information about volunteer opportunities for students during class. She states that no clear direction was given about how students were to be informed of volunteer opportunities, and she had no reason to know that informing students about volunteer opportunities with a political campaign was not allowed.

VIOLATIONS

1. The parties hereto stipulate that Patty Hale violated RCW 42.17.130 by using the facilities of Shorecrest High School in Shoreline School District No. 412 to assist her 2009 campaign for Shoreline City Council. Ms. Hale used her classroom on two occasions, on December 16, 2008 and on June 16, 2009, to recruit student volunteers for her 2009 campaign for Shoreline City Council. During class time, while in the classroom, Ms. Hale spoke to students about volunteer opportunities with her campaign and circulated a sign-up sheet to obtain contact information of student volunteers. She later sent campaign emails to some of the students who provided contact information.

PENALTY

1. Based upon the stipulated facts and the agreement regarding the violations set forth above, the Respondent agrees that a total civil penalty of \$1,000 be assessed. Of the total penalty

1 amount, \$750 will be suspended on the condition that the Respondent is not found in
2 violation of RCW 42.17.130, as determined by the Full Commission, through December
3 31, 2013.

4 2. The Respondent agrees that the \$250 unsuspended portion of the penalty shall be paid
5 within 30 days from the date of entry of the Commission's Final Order in this matter.

6 3. The Respondent affirms her intention to comply in good faith with the provisions of RCW
7 42.17 in all future election campaigns.

8 
9 DOUG ELLIS, Assistant Director
Public Disclosure Commission

9-16-09
Date Signed

10 
11 PATTY HALE

Sept. 16, 2009
Date Signed